

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

Marc S. Malec,

Plaintiff,

v.

Merchants and Medical,

Defendant.

Case No.: 14-11974

Hon. Judge Judith E. Levy

Magistrate Judge Michael J. Hluchaniuk

DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Merchants & Medical Credit Corporation (“Defendant”), through its counsel, Olson Law Group, for its Answer and Affirmative Defenses, states as follows:

1. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required.

2. Defendant admits that it does business at the address listed in this paragraph but denies that Plaintiff has identified Defendant’s proper corporate name in this paragraph.

3. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required.

4. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required.

5. Defendant neither admits nor denies the allegations in this paragraph for lack of sufficient information or belief.

6. Admitted.

7. Denied as untrue.

8. Defendant neither admits nor denies the allegations in this paragraph for lack of sufficient information or belief, except to deny that Defendant engaged in wrongdoing or is liable to Plaintiff.

9. Denied as untrue.

10. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required.

11. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required. To the extent a response is required, Defendant is a corporate entity and, thus, these allegations are denied.

12. This paragraph contains no factual allegations against Defendant and, therefore, no further response is required. To the extent a response is required, Defendant is a corporate entity and, thus, these allegations are denied.

WHEREFORE, Defendant Merchants & Medical Credit Corporation respectfully requests that this Honorable Court: (a) enter judgment in Defendant's favor; (b) award Defendant all reasonable fees and costs incurred defending against

this frivolous action; and (c) grant such further and other relief as is just and proper under the circumstances.

Respectfully Submitted,

/s/ Charity A. Olson

Charity A. Olson (P68295)

OLSON LAW GROUP

Attorneys for Defendant

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Dated: May 19, 2014

AFFIRMATIVE DEFENSES

Defendant Merchants & Medical Credit Corporation, through its counsel, Olson Law Group, for its Affirmative Defenses, states as follows:

1. Any allegation not specifically admitted in Defendant's Answer is denied.
2. Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Defendant.
3. Plaintiff's claims may be barred, in whole or part, to the extent Plaintiff's damages, if any, were caused by the acts and/or omissions of persons or entities over whom Defendant had no control or authority.

4. Plaintiff's claims may be barred, in whole or part, to the extent Plaintiff's damages, if any, were caused by Plaintiff's own acts and/or omissions.

5. Plaintiff's claims for damages may be barred, in whole or in part, by the failure to mitigate.

6. Plaintiff lacks standing to sue because Plaintiff has not suffered an injury in fact.

7. Plaintiff's claims may be barred, in whole or in part, by consent, waiver, estoppel, laches and/or unclean hands.

8. To the extent Defendant is found to have violated the FDCPA, such violation(s) were the result of a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error and, thus, any corresponding violation is excused pursuant to 15 U.S.C. § 1692k(c).

9. To the extent Defendant is adjudged to have violated the law, such violation(s) were neither intentional, nor willful.

10. Defendant reserves the right to amend these defenses as provided for under the court rules.

Respectfully submitted,

/s/ Charity A. Olson

Charity A. Olson (P68295)

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Dated: May 19, 2014

PROOF OF SERVICE

The undersigned hereby certifies that on May 19, 2014, I e-filed the foregoing instrument with the Clerk of Court using the Court's ECF filing system, which will send notification of such filing to all attorneys of record. An additional copy has also been mailed to Plaintiff at the address disclosed in the pleadings.

/s/ Charity A. Olson

Charity A. Olson (P68295)

